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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,287	10/05/2001	James E. Nelson	14144	4864

7590

11/06/2003

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EXAMINER

ILAN, RUTH

ART UNIT PAPER NUMBER

3616

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/972,287

Applicant(s)

NELSON ET AL.

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-32 is/are pending in the application.
- 4a) Of the above claim(s) 7,10,12-14,16,25-28 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,9,11,15,18-24,29 and 32 is/are rejected.
- 7) ☒ Claim(s) 17 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The amendment of August 19, 2003 is acknowledged. An action on the merits follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 17 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8 and 23 recite "Z-tab" and claim 17 recites the limitation "the tab". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-4, 8, 9, 11, 15, 18-24, 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 5,794,968.) Yamamoto et al. teaches an airbag module including a cover (14) and a reaction housing (16, see Figure 6.) The reaction housing includes a plurality of mounting projections (83a, 83b, 84a, 84b) and an integral Z-height control tab (82a) whose top is parallel to the reaction surface (17, see Figure 6.) and the cover includes a plurality of windows (53a and 54b) in a skirt (please note that as broadly claimed, the skirt is considered to be all of the periphery of the cover that descends downward, and includes elements 51-54, and also the entire

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downward extending edge of the cover- see attached marked Figures 5, and 8.) The mounting projections engage the window and define a Z-height (as seen in Figure 5) and the control tab engages the skirt and substantially maintains the height (as seen in Figure 4, the height of the bent portion of 82a is such that it allows little play in the slot 52.) Regarding claims 3 and 21, the angle is essentially 0°. Regarding claims 4 and 22, as broadly claimed, the tip of 82a is generally perpendicular to the bottom of the slot 52a (see Figure 4.) Regarding claims 9 and 24, the tab engages the skirt in a net fit (as taught in col. 5, lines 19-17, 82a fits into 52a because 52a is slightly bigger, additionally, the tab holds the skirt between itself and the bracket 19.) Regarding claims 8 and 23, the tab is made from thin sheet metal, and as such is capable of buckling. Please note that regarding claims 2, 20, and 32, Yamamoto et al. teaches that the reaction housing is metal (see col. 4, line 23.) The method of forming the reaction housing (stamping) is not germane to the issue of the patentability of the device itself. Therefore this limitation has not been given patentable weight.

Allowable Subject Matter

6. Claims 17 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments, see Paper No. 7, filed August 19, 2003, with respect to the rejection(s) of claim(s) 1-4, 8, 9, 11, 15, 18-24, 29 and 32 under Yamamoto et al. have been fully considered and are persuasive. Therefore, the rejection has been

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withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of Yamamoto et al. The Examiner has amended her rejection to consider a broader interpretation of skirt to include the entire section of the cover that surrounds and descends downwardly around the top portion of the cover, instead of the individual elements 53, 54. Additionally, the Examiner also notes that claims 18 and 32 do not include the limitation that the tab engages the skirt, but rather that the tab engages the cover.

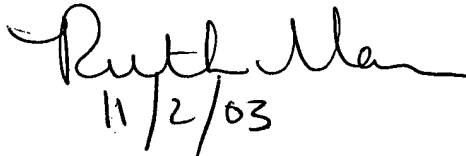
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RI
11/2/03
attachments

Ruth Ilan
Examiner
Art Unit 3616



11/2/03

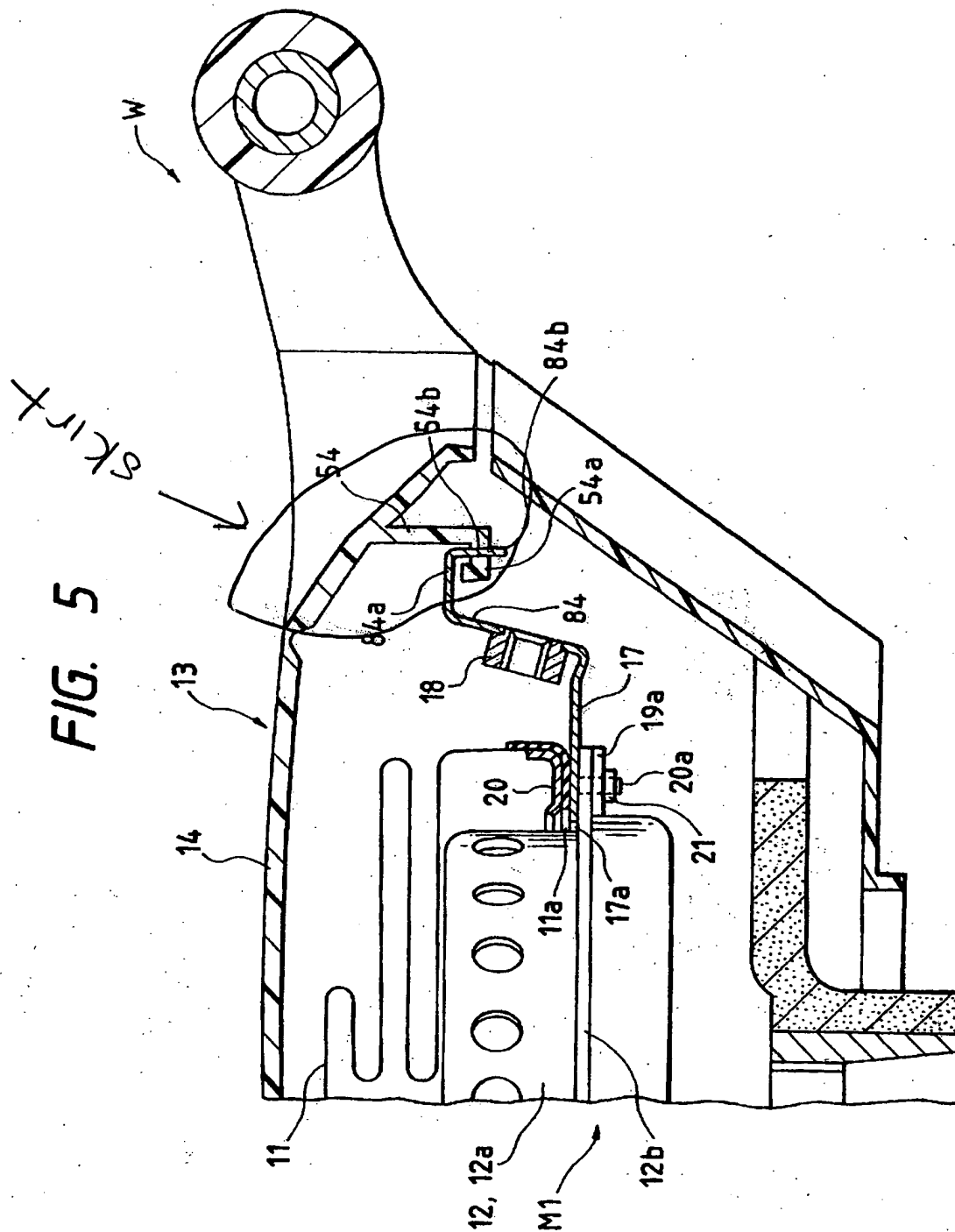


FIG. 8

